

Senate Bill No. 543

(By Senators Edgell, Kessler (Mr. President), Jenkins,
Carmichael, Cole, Williams, Plymale, Blair, D. Hall, M. Hall,
Sypolt, Wells, Walters, Boley, Beach and Nohe)

[Introduced February 12, 2014; referred to the Committee on
Economic Development; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §5B-2I-1, §5B-2I-2,
§5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7, all
relating to creating the Jobs Impact Statement Act; requiring
that the West Virginia Development Office prepare a jobs
impact statement when requested by the Governor or leader of
either house of the Legislature for certain proposed
legislation; outlining the contents of the jobs impact
statement; providing that this article does not affect the
validity of legislation, restrict consideration of pending
legislation or otherwise alter, amend or invalidate any rule
of the Senate, the House of Delegates or joint rules of the

1 Senate and House of Delegates; and describing the manner in
2 which copies of the jobs impact statement shall be made
3 available.

4 *Be it enacted by the Legislature of West Virginia:*

5 That the Code of West Virginia, 1931, as amended, be amended
6 by adding thereto a new article, designated §5B-2I-1, §5B-2I-2,
7 §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7, all to read as
8 follows:

9 **ARTICLE 2I. JOBS IMPACT STATEMENT.**

10 **§5B-2I-1. Short title.**

11 This article may be cited as the Jobs Impact Statement Act.

12 **§5B-2I-2. Legislative findings.**

13 The Legislature finds that to maintain and create an economic
14 climate which will sustain and promote the creation and retention
15 of jobs in the State of West Virginia and provide for employment
16 opportunities for as many citizens as possible, it is important to
17 understand the jobs impact of acts of the Legislature. The
18 Legislature further finds that without appropriate information it
19 may enact legislation that would adversely affect employment in the
20 state.

21 **§5B-2I-3. Definitions.**

22 For purposes of this article, the term;

23 "Joint West Virginia Jobs Impact and Development Office" means

1 the principle entity responsible for preparing jobs impact
2 statements and shall be comprised of the West Virginia Development
3 Office, Marshall University and West Virginia University.

4 **§5B-2I-4. Persons empowered to request jobs impact statement;**
5 **preparation by West Virginia Development Office; time**
6 **limitations.**

7 Upon written request by the Governor or the presiding officer
8 of either house of the Legislature, proposed legislation which has
9 an impact on the state's economy shall be reviewed by the Joint
10 West Virginia Jobs Impact and Development Office, which shall
11 prepare a jobs impact statement. The request shall be accompanied
12 by one copy of the proposed legislation. In preparing a jobs
13 impact statement, the Director of the West Virginia Development
14 Office, in consultation with the schools of business and economics
15 at Marshall University and West Virginia University, may seek
16 assistance or data from, or contract with, any organization or
17 state agency which may facilitate the compilation of the jobs
18 impact statement. Any state agency shall provide requested
19 information within ten days from the date of the request.

20 The West Virginia Development Office shall return a jobs
21 impact statement to the requesting party within twenty days of the
22 date of the original request.

23 **§5B-2I-5. Contents of the jobs impact statement; explanations**

1 **required for omissions.**

2 (a) *General rule.* - The jobs impact statement, using generally
3 accepted methodology, shall detail both the short-term and
4 long-term job effects of the proposed legislation and shall
5 include, but is not limited to, the following information:

6 (1) A determination of the probable result of the legislation
7 in terms of the number of West Virginia jobs which will be created,
8 retained or eliminated;

9 (2) A statement of the probable net impact of the legislation
10 on employment levels and employment patterns in West Virginia; and

11 (3) A determination of the relative impact on the number of
12 West Virginia jobs by general industrial sector using the two-digit
13 standard North American Industry Classification System (NAICS)
14 codes as found in the current version of the Official U. S. NAICS
15 Manual.

16 (b) *Omission.* - A jobs impact statement that omits any
17 information required by subsection (a) of this section shall
18 specifically note its omission, the reason for its omission, the
19 importance of any relevant information so omitted to a complete and
20 realistic assessment of the economic impact of the legislation and
21 the additional time and effort required to obtain any information
22 needed for the assessment.

23 **§5B-2I-6. Lack of jobs impact statement not to affect**

1 **consideration or validity of legislation.**

2 If, in the opinion of the Director of the West Virginia
3 Development Office, in consultation with the schools of business
4 and economics of Marshall University and West Virginia University,
5 a jobs impact statement cannot be prepared within the statutory
6 time frame, the unavailability of a jobs impact statement does not
7 affect the validity of legislation which is enacted nor does the
8 unavailability restrict consideration of pending legislation. A
9 provision of this article may not be determined to alter, amend or
10 invalidate any rule of the Senate, rule of the House of Delegates
11 or joint rule of the Senate and House of Delegates.

12 **§5B-2I-7. Availability of copies of jobs impact statements.**

13 One copy of a jobs impact statement requested under section
14 four of this article shall be made available to the Governor and
15 the presiding officers of both houses of the Legislature, who shall
16 distribute the statement to all members of their respective houses.
17 Copies of the statement shall be made available to the public at
18 the office of the clerk of the respective houses of the
19 Legislature.

NOTE: The purpose of this bill is to require a jobs impact statement to be prepared by the W. Va. Development Office, in consultation with schools of business and economics at Marshall and West Virginia Universities, when requested by the Governor or presiding officer of either house of the Legislature.

This article is new; therefore, strike-throughs and underscoring have been omitted.